

CITY OF SALINA, KANSAS
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
September 25, 2006
4:00 p.m.

The City Commission convened at 2:30 p.m. in a Study Session on the Salina Aviation Service Center Financing request. The Regular Meeting of the Board of Commissioners was called to order at 4:00 p.m. in Room 107, City-County Building. A roll call was taken followed by the Pledge of Allegiance and a moment of silence.

There were present:

Mayor Donnie D. Marrs, Chairman presiding
Commissioner Deborah P. Divine
Commissioner Alan E. Jilka
Commissioner R. Abner Perney
Commissioner John K. Vanier II

comprising a quorum of the Board, also present:

Jason A. Gage, City Manager
Greg Bengtson, City Attorney
Lieu Ann Elsey, City Clerk

Absent: None

CITIZEN FORUM

None.

AWARDS - PROCLAMATIONS

None.

PUBLIC HEARINGS AND ITEMS SCHEDULED FOR A CERTAIN TIME

None.

CONSENT AGENDA

(6.1) Approve the minutes of September 18, 2006.

06-7300 Moved by Commissioner Divine, seconded by Commissioner Vanier, to approve the consent agenda as presented. Aye: (5). Nay: (0). Motion carried.

DEVELOPMENT BUSINESS

(7.1) Application #Z06-14, filed by John Baker on behalf of Brand Growth, Inc., requesting a change in zoning district classification from A-1 (Agricultural) to PC-3 (Planned Shopping Center) on property addressed as 2755 S. Ninth Street.

(7.1a) First Reading Ordinance No. 06-10359.

Dean Andrew, Director of Planning and Community Development, explained the request, neighborhood characteristics, and the Planning Commission's recommendation. Mr. Andrew noted that second reading of the ordinance would occur with the approval of the plat.

A discussion followed between Commissioner Perney, Commissioner Divine, and Mr. Andrew regarding the applicant obtaining a building permit and the time limit allowed to complete the plat.

Mr. Andrew also responded to Mayor Marrs' questions regarding the concept plan.

Mr. Andrew responded to City Manager Jason Gage's question regarding the filing of a preliminary plat.

06-7301 Moved by Commissioner Divine, seconded by Commissioner Perney, to pass Ordinance No. 06-10359 on first reading. Aye: (5). Nay: (0). Motion carried.

(7.2) Resolution No. 06-6310 authorizing an agreement with Melvin A. Bergkamp Trust relating to the annexation of property located on the south side of Schilling Road, between South Ninth Street and the Union Pacific Railroad tracks.

Mayor Marrs recused himself due to conflict of interest.

Vice-Mayor Jilka assumed the chair.

Dean Andrew, Director of Planning and Community Development, explained the request and the agreement. Mr. Andrew then responded to Commissioner Divine's question regarding the future utility and street improvements.

Scott Bergkamp, 108 N. Presley, asked for clarification of Section 6 of the agreement.

Shawn O'Leary, Director of Public Works, responded to Mr. Bergkamp.

06-7302 Moved by Commissioner Vanier, seconded by Commissioner Divine, to adopt Resolution No. 06-6310 as amended. Aye: (4). Nay: (0). Abstained: (1) Marrs. Motion carried.

(7.3) Application #A06-2, filed by Melvin Bergkamp on behalf of the Melvin A. Bergkamp Trust, requesting annexation of a 17.4 acre tract of land located on the south side of Schilling Road, west of the Union Pacific railroad tracks.

(7.3a) First reading Ordinance No. 06-10360.

Dean Andrew, Director of Planning and Community Development, explained the request. Mr. Andrew also responded to Commissioner Perney's question regarding the city limit boundaries.

06-7303 Moved by Commissioner Divine, seconded by Commissioner Vanier, to pass Ordinance No. 06-10360 on first reading. Aye: (4). Nay: (0). Abstained: (1) Marrs. Motion carried.

Mayor Marrs resumed the chair.

ADMINISTRATION

(8.1) Second Reading Ordinance No. 06-10358 amending Section 5-102 of the Salina Code pertaining to revocation or suspension of cereal malt beverage licenses.

Mayor Marrs noted that Ordinance No. 06-10358 was passed on first reading on September 18, 2006 and since that time no comments have been received.

Commissioner Divine proposed an amendment to clarify the amount of time of suspension.

06-7304 Moved by Commissioner Divine, seconded by Commissioner Jilka, to adopt Ordinance No. 06-10358 on second reading as amended. A roll call vote was taken. Aye: (5) Divine, Jilka, Perney, Vanier, Marrs. Nay: (0). Motion carried.

(8.2) Approve Change Order No. 1 for Fire Station No. 2 Addition and Renovation, Project No. 05-1508.

Jason Gage, City Manager, request that the item be removed from the agenda.

06-7305 Moved by Commissioner Jilka, seconded by Commissioner Perney, to remove Item 8.2 from the agenda. Aye: (5). Nay: (0). Motion carried.

(8.3) Resolution No. 06-6311 authorizing a license agreement with Magnolia Hills, Inc. for installation of center islands located at the intersections of Stonepost Lane and Markley Road and Brokestone Drive and Markley Road.

Dean Andrew, Director of Planning and Community Development, explained the request and agreement. Mr. Andrew and Shawn O'Leary, Director of Public Works, also responded to Mayor Marrs' questions regarding the dedication of the detention ponds, future maintenance of the entryway signs, and the covenants of the subdivision.

A discussion followed between Commissioner Perney and Mr. Andrew regarding future maintenance of the entryway signs and assessing the property owners within the subdivision.

Additional discussions followed between Mayor Marrs, Mr. O'Leary regarding the maintenance fee and maintenance of the detention ponds.

Commissioner Perney commented on the use of the license agreement.

Commissioner Divine felt that we should encourage developers to include aesthetics, but to not place a burden on the city to maintain them.

A discussion followed between Mayor Marrs and Mr. Andrew regarding the maintenance fee.

Kelly Dunn, 2524 Burr Oak Circle, stated that they plan to maintain the signs during life of the subdivision and that they are not wanting to create a homeowners' association.

A discussion followed between Mayor Marrs and Mr. Andrew regarding creating a benefit district for the maintenance of the signs.

06-7306 Moved by Commissioner Divine, seconded by Commissioner Vanier, to adopt Resolution No. 06-6311 and direct staff to research further means of overcoming the inheritance problems of future maintenance of aesthetics added within a subdivision. Aye: (5). Nay: (0). Motion carried.

(8.4) Resolution No. 06-6309 amending the Comprehensive Fee Schedule by establishing an expungement filing fee.

Judge Brenda Stoss, Municipal Court, explained the fee, state statute, and fees charge by the surrounding communities. Judge Stoss responded to Mayor Marrs' question regarding the number of requests have been made and the amount of time spent on the filings.

06-7307 Moved by Commissioner Jilka, seconded by Commissioner Perney, to adopt Resolution No. 06-6309. Aye: (5). Nay: (0). Motion carried.

(8.5) Resolution No. 06-6312 authorizing a license agreement with Triplett, Inc. to allow use of city owned right-of-way for installation of private storm drainage improvements.

Shawn O'Leary, Director of Public Works, explained that the applicant asked that this item be postponed until October 2, 2006.

06-7308 Moved by Commissioner Perney, seconded by Commissioner Jilka, to postpone Resolution No. 06-6312 until October 2, 2006. Aye: (5). Nay: (0). Motion carried.

(8.6) Authorize the 2006 Downtown Traffic Signal Improvements, Project No. 05-1547.

Shawn O'Leary, Director of Public Works, explained the project, reasons for upgrades and improvements, project funding, and the citizens' task force and city staff's recommendation to include:

<u>Design Option</u>	<u>Task Force</u>	<u>City Staff</u>
1. Actuated/Semi-Actuated/ Fixed Time	Actuated on Santa Fe/Iron Semi-Actuated at Remainder	Actuated at Santa Fe/Iron Semi-Actuated at Remainder
2. Signal Coordination	None	None
3. Number of Signal Poles	One Per Corner	One Per Corner
4. Type of Signal Poles	Painted	Painted
5. Mast Arms	Yes – Required	Yes – Required
6. Number of Signal Heads	2 mast/1 pole-Santa Fe/ Iron Minimum on Remainder	2 mast/1 pole-Santa Fe/Iron Minimum on Remainder
7. Controller Type	Small, Painted Pad-Mounted	Small, Painted Pad-Mounted
8. Emergency Pre-Emption	Yield to City Commission	Yes
9. Street Signing	On Mast Arms-Wayfinding	On Mast Arms-Wayfinding
10. Street Lights	Remove all possible	Remove all possible

A discussion followed between David Johnson, Bucher, Willis & Ratliff, City Manager Jason Gage, Mr. O'Leary, Commissioner Jilka, Mayor Marrs and Commissioner Divine regarding the use of painted versus decorative poles.

Commissioner Perney commented on placement of the mast arms, the improvement of the drainage at Fifth Street and Iron Avenue, and removal of excess light fixtures.

Mr. Gage commented on number of decorative types of light poles that are currently in the downtown area.

A discussion followed between Mayor Marrs, Commissioner Perney, Mr. Gage, and Mr. O'Leary regarding emergency pre-emption.

06-7309 Moved by Commissioner Divine, seconded by Commissioner Vanier, to authorize the 2006 Downtown Traffic Signal Improvements, Project No. 05-1547 with design options recommended by city staff and direct staff to proceed to a bid letting. Aye: (5). Nay: (0). Motion carried.

Mayor Marrs commented on the use of a task force and obtaining public input.

Commissioner Jilka commented on the cost savings made by eliminating lights.

(8.7) Approve agreement with the Beverly Trust regarding public storm drainage improvements and award of contract to Malm Construction in the amount of \$36,699.

Shawn O'Leary, Director of Public Works, explained the current drainage, the improvements, and quotes received for constructing the improvements.

City Attorney Greg Bengtson responded to Commissioner Vanier's question regarding Section 1 of the agreement. Mr. O'Leary and Mr. Bengtson also responded to Commissioner Vanier's question regarding the drainage in that area, whether the agreement addresses any damage to farm land.

Mr. O'Leary commented on the lining of the ponds, use of the soil, dedication of the easement, and water discharge. Additional discussions followed between Mayor Marrs, Mr. O'Leary, and Mr. Bengtson regarding the detention ponds, granting of the easement, and the seepage and discharge rate.

Mr. O'Leary and Mr. Gage responded to Commissioner Divine's question regarding the lot layout and the flood levee.

A discussion followed between Mayor Marrs, Mr. O'Leary, and Tim Miles of Wilson & Company regarding the soil analysis conducted in that area and functionality of the detention ponds.

Mr. Bengtson clarified that the needed revisions of the agreement would address the agricultural crossing, the acreage involved, and that the drainage does not adequately fulfill drainage needs of future development in the area.

06-7310 Moved by Commissioner Divine, seconded by Commissioner Vanier, to authorize agreement as amended and award of contract to Malm Construction in the amount of \$36,699.00. Aye: (5). Nay: (0). Motion carried.

(8.8) Request for executive session (real estate).

06-7311 Moved by Commission Divine, seconded by Commissioner Vanier, to remove Item 8.8 from the agenda. Aye: (5). Nay: (0). Motion carried.

OTHER BUSINESS

None.

ADJOURNMENT

06-7312 Moved by Commissioner Vanier, seconded by Commissioner Jilka, that the Regular Meeting of the Board of Commissioners be adjourned. Aye: (5). Nay: (0). Motion carried. The meeting adjourned at 5:47 p.m.

Donnie D. Marrs, Mayor

[SEAL]
ATTEST:

Lieu Ann Elsey, CMC, City Clerk